

CLAIMS AMENDMENTS

1. (Currently amended) A DNA plasmid comprising a T-DNA comprising an ~~Agrobacterium~~ *Agrobacterium* Ti plasmid first border region linked to at least one transgene linked to an ~~Agrobacterium~~ *Agrobacterium* Ti plasmid second border region, and located in the DNA plasmid outside of the T-DNA is a plant expression cassette comprising a plant cell non-lethal negative selectable marker gene linked to a vector backbone DNA, wherein the plant cell non-lethal negative selectable marker gene is ~~selected from the group consisting of a gene involved in a plant hormone biosynthesis pathway, a gene involved in plant hormone gibberellic acid pathway~~ substrate diversifying, ~~a gene involved in plant hormone degradation, and a gene involved in metabolic interference.~~

2. (Previously presented) The DNA plasmid of claim 1, wherein said plant expression cassette comprises a promoter that functions in plant cells operably linked to the plant cell non-lethal negative selectable maker gene.

3. (Original) The DNA plasmid of claim 2, wherein said promoter is a constitutive promoter.

4. (Previously presented) The DNA plasmid of claim 2, wherein said promoter induces expression of said linked non-lethal negative selectable marker gene product in tissue culture during plant regeneration.

5-9. (Cancelled)

10. (Original) The DNA plasmid of claim 1, wherein said transgene is a plant positive selectable marker gene selected from the group consisting of antibiotic resistance and herbicide resistance.

11. (Original) The DNA plasmid of claim 1, wherein said transgene comprises a transgene of agronomic interest.

12. (Cancelled)

13. (Withdrawn) The DNA plasmid of claim 5, wherein said plant hormone biosynthetic pathway gene or portion thereof expresses an antisense RNA complementary to an endogenous plant cell RNA, wherein said antisense RNA is designed for post transcriptional gene suppression.

14. (Cancelled)

15. (Currently amended) The DNA plasmid of claim 7~~1~~, wherein said ~~plant hormone biosynthetic~~ gibberellic acid pathway substrate-diverting gene is selected from the group consisting of ~~gibberellic acid pathway substrate-diverting genes, cytokinin pathway substrate-diverting genes, auxin pathway substrate-diverting gene, ethylene pathway substrate-diverting genes and abscisic acid pathway substrate-diverting genes~~ gibberellic acid 20-oxidase, gibberellic acid 2 β , 3 β hydroxylase, and phytoene synthase genes.

16-18. (Cancelled)

19. (Withdrawn) The DNA plasmid of claim 9, wherein said metabolic interference gene expresses an antisense RNA complementary to an endogenous plant cell RNA, wherein said antisense RNA is designed for post transcriptional gene suppression.

20. (Withdrawn) A method for enhancing the selection of transgenic plants that do not contain vector backbone DNA comprising the steps of: a) transforming a plurality of plant cells with the DNA plasmid of claim 1; and b) selecting said plant cells on a positive selection compound; and c) regenerating said selected plant cells into plants.

21. (Withdrawn) A plant produced by the method of claim 20.

22. (Withdrawn) A method for reducing the copy number of a transgene in a plant cell comprising the steps of: a) transforming a plurality of plant cells with the DNA plasmid of claim 1; and b) selecting said transformed plant cells on a positive selection compound; and c) regenerating said selected plant cells into plants.

23. (Withdrawn) A transgenic plant produced by the method of claim 22.

24. (Cancelled)

25. (Previously presented) The DNA plasmid of claim 1, wherein said non-lethal negative selectable marker gene encodes phytoene synthase.

26. (Previously presented) The DNA plasmid of claim 25, wherein said non-lethal negative selectable marker gene is crtB.